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14	[ADDITIONAL COUNSEL ON SIGNATURE PAGE]			
15	15 Attorneys for Plaintiff, on behalf of herself and others similarly			
16	situated UNITED STATES DISTRICT COURT			
17				
18				
19	CHRISTINE GANNON, on behalf of herself ) Case No.: C 09-0554 (EMC)			
20	and others similarly situated.			
	Plaintiff,  NOTICE OF RELATED CASE PURSUANT TO CIVIL L.R. 3-12 TO BE			
21	VS.  FILED IN CASE NO. CV-09-0002 (PJH);  ADMINISTRATIVE MOTION TO			
22	WALMART.COM USA LLC, WAL-MART ) CONSIDER WHETHER CASES SHOULD STORES, INC. and NETFLIX, INC. ) BE RELATED, PURSUANT TO CIVIL			
23	Defendants.  L.R. 7-11			
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HOWREY LLP				

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1	Plaintiff, Christine Gannon, on behalf of herself and others similarly situated (hereinafter		
2	"Plaintiff") hereby respectfully submit this Notice of Related Case, Pursuant to Civil L.R. 3-12 and the		
3	required Administrative Motion to Consider Whether Cases Should be Related, Pursuant to Civil L. R		
4	7-11.		
5	I. APPLICABLE STANDARD UNDER CIVIL L.R. 3-12		
6	Under Civil Local Rule 3-12, an "action is related to another when: (1) the actions concern		
7	substantially the same parties, property, transaction or event, and (2) it appears likely that there will be		
8	an unduly burdensome duplication of labor and expense or conflicting results if the cases are		
9	conducted before different Judges." Civil L.R. 3-12(a).		
10	Whenever a party knows or believes that an action may be related to an action which is or was		
11	pending in the Northern District, said party "must promptly file in the earliest-filed case an		
12	Administrative Motion to Consider Whether Cases Should be Related, pursuant to Civil L.R. 7-11." <sup>1</sup>		
13	Civil L.R. 3-12(b). That motion must include: "(1) The title and case number of each apparently		
14	related case; (2) A brief statement of the relationship of the actions according to the criteria set forth in		
15	Civil L.R. 3-12(a)."		
16	II. THE NEWLY FILED JOHNSON AND GANNON CASES ARE RELATED TO		
17	RESNICK AND ITS PROGENY.		
18	The Resnick case was filed in this Court on January 2, 2009 (C 09-0002). Subsequently, a		
19	number of related complaints were filed. This Court has issued a series of orders finding the following		
20	cases are related to Resnick:		
21	(1) O'Connor v. Walmart.com USA LLC, et al., C 09-0096		
22	(2) Endzweig v. Walmart.com USA LLC, et al., C 09-00111		
23	(3) Schmitz v. Walmart.com USA LLC, et al., C 09-00116		
24	(4) Lynch, et al. v. Walmart.com USA LLC, et al., C 09-00138		
25			
26	<sup>1</sup> "In addition to complying with Civil L.R. 7-11, a copy of the motion, together with proof of service pursuant to Civil L.R. 5-6, must be served on all known parties to each apparently related action. A		
27	Chambers copy of the motion must be lodged with the assigned Judge in each apparently related case under Civil L.R. 5-1(b)." Civil L.R. 3-12(b).		
28			

1	(5) Groce, et al. v. Netflix, Inc., et al., C 09-00139.
2	(6) Anthony v. Walmart.com USA LLC, et al., C 09-0236;
3	(7) Sivek v. Walmart.com USA LLC, et al., C 09-00156;
4	(8) Faris v. Netflix, Inc., et al., C-09-0180;
5	(9) Slobodin v. Walmart.com USA LLC, et al., C-09-225;
6	(10) Polk-Stamps v. Walmart.com USA LLC, et al., C-09-244;
7	(11) Meyer v. Walmart.com USA LLC, et al., C 09-00361;
8	(12) Sheeler v. Walmart.com USA LLC, et al. C 09-274;
9	(13) Chapman v. Walmart.com USA LLC, et al., C-09-294;
10	(14) Orozco v. Walmart.com USA LLC, et al., C-09-297;
11	(15) Grime v. Walmart.com USA LLC, et al., C-09-349;
12	(16) Landels, et al. v. Walmart.com USA LLC, et al., C-09-340;
13	(17) Randall v. Walmart.com USA LLC, et al., C-09-368;
14	(18) Miscioscia v. Walmart.com USA LLC, et al., C-09-377;
15	(19) Hirsch v. Walmart.com USA LLC, et al., C-09-375;
16	(20) Chatelain v. Walmart.com USA LLC, et al., C-09-391;
17	All of the above-listed cases are now assigned to Judge Phyllis J. Hamilton.
18	Like the other cases already found to be related to Resnick, the Gannon and Johnson
19	complaints should be related to Resnick and assigned to Judge Hamilton. These cases were filed on
20	February 6, 2009 and bear case numbers C 09-0554 and C 09-0553, respectively.
21	Like the previously-related cases, these cases involve the exact same transactions and events
22	the identical defendants, the identical or virtually identical allegations and causes of action, and the
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same proposed class of plaintiffs. Accordingly, there will be unduly burdensome duplication of and expense and there will be a risk of conflicting results if these cases are not related to Resnick assigned to Judge Hamilton like the other related cases listed above.  Dated: February 6, 2009 Respectfully submitted,  By: _/s/ Emily Maxwell Emily Maxwell HOWREY LLP 525 Market Street, Suite 3600 San Francisco, CA 94105 415-848-4999 (fax)  Paul Alexander HOWREY LLP 11950 University Avenue East Palo Alto, CA 94303 650-798-3500 650-798-3600 (fax)  Eugene A. Spector Jeffrey J. Corrigan Theodore M. Lieverman Jay S. Cohen Jonathan M. Jagher SPECTOR ROSEMAN KODROFF & WILLIS, P.C. 1818 Market Street Suite 2500 Philadelphia, PA 19103 215-496-0300 215-496-0611 (fax)  David P. McLafferty MCLAFFERTY & ASSOCIATES, P.C. 923 Fayette Street Conshohocken, Pennsylvania 19428 610-940-4007 (fax)  Attorneys for Plaintiff and others similarly situated				
assigned to Judge Hamilton like the other related cases listed above.  By: _/s/ Emily Maxwell Emily Maxwell Emily Maxwell HOWREY LLP 525 Market Street, Suite 3600 San Francisco, CA 94105 415-848-4997 (fax)  Paul Alexander HOWREY LLP 1950 University Avenue East Palo Alto, CA 94303 650-798-3500 650-798-3600 (fax)  Eugene A. Spector Jeffrey J. Corrigan Theodore M. Lieverman Jay S. Cohen Jonathan M. Jagher SPECTOR ROSEMAN KODROFF & WILLIS, P.C. 1818 Market Street Suite 2500 Philadelphia, PA 19103 215-496-0300 215-496-0300 215-496-6611 (fax)  David P. McLafferty MCLAFFERTY & ASSOCIATES, P.C. 923 Fayette Street Conshohocken, Pennsylvania 19428 610-940-4000 610-940-4007 (fax)	1	same proposed class of plaintiffs. Accordingly, there will be unduly burdensome duplication of labor		
By:_s/ Emily Maxwell	2	and expense and there will be a ri	sk of conflicting results if these cases are not related to <i>Resnick</i> and	
By:	3	assigned to Judge Hamilton like the	he other related cases listed above.	
Emily Maxwell   HOWREY LLP	4	Dated: February 6, 2009	Respectfully submitted,	
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